

### REMARKS

This is in response to the Office Action dated July 17, 2006. In the Office Action, all pending claims 1-18, 23-41, 46-64, 69-77 and 82-111 were rejected. With this Amendment, claims 1, 10-18, 23, 27-35, 46, 56-64, 69, 82, 87-90, 95-96, 101 and 110-111 are amended and the remaining claims are unchanged in the application. Applicant respectfully requests reconsideration and allowance of all pending claims.

The above claim amendments have been made only for the purpose of clarifying that the claimed invention utilizes a charge supply battery that is of a different type and construction than a storage battery that it protects from self discharge. For example, as indicated in the Specification, an alkaline charge supply battery protects a lead acid storage battery from self discharge. Another example in the Specification is an alkaline charge supply battery protecting a carbon storage battery from self discharge.

In section 2 of the Office Action, the Examiner rejected claims 1 and 4-5 under §102(b) as being anticipated Kellett et al., U.S. Patent No. 5,637,978.

Amended claim 1, which is directed to an apparatus for counteracting self discharge in a storage battery, includes “the charge supply battery is of a different type and construction than the storage battery.”

In Kellett, both charging battery 30 and vehicle battery 20 are of the same type. Specifically, the language of Kellett included below (column 2, line 53 to column 3, line 3) state that charging battery 30 and vehicle battery 20 are lead acid batteries.

“Referring again to the drawings, especially FIG. 2, there is shown a vehicle storage battery 20. A vehicle storage battery is typically a 12 volt, 40 Ampere-Hour, lead acid battery. A vehicle storage battery 20 and vehicle cigarette lighter 25 electrical circuit is shown. The lighter 25 is formed of a female receptacle 27 terminating centrally along its central longitudinal axis in a positive lead 26. There is a fuse 23 between the positive terminal 21 of the vehicle storage battery 20 and the lighter positive lead 26. The lighter receptacle 27 is electrically connected to the battery negative terminal 26.

The invention has a charging battery 30. The nominal voltage output from the charging battery 30 is represented by the

symbol Vc. The charging battery 30 in this embodiment of the invention is a 12 volt, 7 Ampere-Hour, sealed, lead acid battery. This type of battery is rated at 12 volt nominal output. The charging battery 30 has a positive terminal 31 and a negative terminal 32.” (Emphasis added).

In summary, Kellett does not teach or suggest “the charge supply battery is of a different type and construction than the storage battery.” Therefore, claim 1 is patentable and non-obvious over Kellett. Claims 4-5 are allowable at least by virtue of their dependence from allowable claim 1.

In section 4 of the Office Action, claims 2-3, 6-18 and 82-94 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kellett et al. in combination with Barrett (U.S. Patent # 5,684,678).

For reasons provided above, Kellett does not teach or suggest that “the charge supply battery is of a different type and construction than the storage battery.” Barrett does not overcome the deficiencies of Kellett. Thus, claims 2-3, 6-18 and 82-94 are non-obvious and allowable over the combination of Kellett and Barrett.

In section 5 of the Office Action, the Examiner rejected claims 23, 36-41, 46-51, 69, 72-77 and 95-111 under §103(a) as being unpatentable over Tomantschger, U.S. Patent No. 5,194,799 in combination with a paper published by Electronix Express, November 10, 1998 and further in combination with Bertness, U.S. Patent No. 6,249,124.

None of the above references taken alone or in combination teach or suggest that “the charge supply battery is of a different type and construction than the booster battery.” Thus, claims 23, 36-41, 46-51, 69, 72-77 and 95-111 are non-obvious and allowable over the cited art.

In view of the foregoing Applicants respectfully request reconsideration and allowance of all pending claims 1-18, 23-41, 46-64, 69-77 and 82-111. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

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